

SAN LUIS OBISPO PLANNING DEPARTMENT HEARINGS
MINUTES OF THE MEETING OF

October 21, 2005

Minutes of the Regular Meeting of the County Planning Department Hearings held in the San Luis Obispo County Planning and Building Department Conference Room, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by John Nall, Hearing Officer.

The following action minutes are listed as they were acted upon, by the Hearing Officer of the Planning Department Hearings, and as listed on the agenda for the Regular Meeting of October 21, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

PUBLIC COMMENT PERIOD

None

CONSENT AGENDA:

1. This being the time for hearing to consider a request by **NACIMIENTO PARTNERS** to name an unnamed road. The proposed road name is PERCH LANE. The site is located in the unincorporated area of the county, in Tract 1910, east off of Steelhead Road between lots 8 & 9 providing access to lots 146, 147, and 148 in the Heritage Ranch Community, in the Nacimiento Planning Area. **County File No: SUB2004-00222.** Assessor Parcel Number: 012,376,039. Date Accepted: January 14, 2005. Supervisorial District: 1. Leonard Mansell, Project Manager.

MINUTES:

Hearing Officer: John Nall

Thereafter, on motion of the hearing officer, the road name PERCH LANE is approved, to become final in ten days if no appeal is filed, based on Findings A through E in Exhibit A. (Document No. 2005-160)

NON-HEARING ITEMS:

2. This being the time for hearing to consider a request by **ROY NIELSEN AND WINNIE MITCHELL** for a Minor Use Permit/Coastal Development Permit to allow an addition of 884 sq. ft. of living area, an 884 sq. ft. garage to an existing 1,908 sq. ft. single family residence, and an interior remodel of the existing residence. The project will include on-site planting of 18 Coast Live Oak trees and 5 Monterey Pine trees to replace the impacted and removed trees associated with this development. The project will result in the disturbance of approximately 5,000 sq. ft. of a 10,500 sq. ft. parcel. The proposed project is within the Residential Single Family land use category and is located at 2005 Avon Avenue in the community of Cambria, in the North Coast planning area. This project is exempt under CEQA. **County File No: DRC2004-00259.** Assessor Parcel Number: 023,107,028. Supervisorial District: 2. Date Accepted: September 2, 2005. Murry Wilson, Project Manager:

MINUTES:

Hearing Officer: John Nall

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through N in Exhibit A and subject to Conditions 1 through 19 in Exhibit B. (Document No. 2005-161)

3. This being the time for hearing to consider a request by **VICTOR SMITH** for a Minor Use Permit/Coastal Development Permit to allow the construction of a new residence and a garage with a 2,119 square foot footprint and 3,695 square foot gross structural area. The project will result in the disturbance of approximately 10,000 square feet of a 17,564 square foot parcel. The proposed project is within the Residential Single Family land use category and is located on Ellis Avenue, in the community of Cambria (Lodge Hill area) in the North Coast planning area. This project is exempt under CEQA. **County File No: DRC2005-00029**. Assessor Parcel Number: 024-351-003. Supervisorial District: 2. Date Accepted: September 6, 2005. Martha Neder, Project Manager.

MINUTES:

Hearing Officer: John Nall

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through N in Exhibit A and subject to Conditions 1 through 26 in Exhibit B. (Document No. 2005-162)

4. This being the time for hearing to consider proposal by **STEVEN QUIST** for a Minor Use Permit to allow the construction of a 3,591 square foot single-family residence with 2 attached garages totaling 1,248 square feet. The project is located in the Residential Rural Land Use Category/Sensitive Resource Area Combining Designation. The Minor Use Permit is required by conditions of approval for Tract 2292. The property is located on Lot 5 of Tract Map 2292, on Paseo de Caballo west of Highway One, approximately one-half mile west of Stenner Creek Road, west of the City of San Luis Obispo, in the San Luis Obispo Planning Area. Assessor Parcel Number: 073-333-005. This project was found to be consistent with the Mitigated Negative Declaration previously prepared for Tract 2292. **County File Number: DRC2004-00029**. Date application accepted: August 24, 2005. Supervisorial District #2. Stephanie Fuhs, Project Manager.

MINUTES:

Hearing Officer: John Nall

Thereafter, on motion of the hearing officer, the Minor Use Permit is granted based on Findings A through J in Exhibit A and subject to Conditions 1 through 18 in Exhibit B. (Document No. 2005-163)

HEARING ITEMS:

5. This being the time for hearing to consider a request by **JERRY GERMAN** for a Minor Use Permit to allow construction of an approximately 10,900 square foot mixed-use commercial/residential project, consisting of an existing 1,550 square foot deli, with 2,948 square feet of new office/commercial lease spaces on the ground floor, and 6,415 square feet of new residential apartment units (9 one-bedroom units and one 2-bedroom unit) on the second floor. The project will result in the disturbance of the entire 14,727 square foot project site (located on three adjacent parcels). The proposed project is within the Commercial Retail land use category. The project is located at 1875 Front Street (on the east side of Highway One), west of 18th Street, in the community of Oceano in the San Luis Bay (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the project pursuant to Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Geology and Noise. **County File No: DRC2004-00251**. Assessor Parcel Numbers: 062-083-004, -010, -013, and -014. Supervisorial District 4. Date Accepted: July 28, 2005. Stephanie Fuhs, Project Manager.

MINUTES:

Hearing Officer: John Nall

Others: Jerry German, applicant; Frank Hirsch, neighbor.

Stephanie Fuhs, staff, presents project. States the project does comply with the Land Use Ordinance Standards for a shared parking reduction of 20% based on the mix of uses proposed for this project. Explains that because it is a mixed used project, there is a thought that the commercial uses will have more of a day time use and that will dissipate as the residents come home at the end of the day. States this portion of the site could provide the area necessary for additional parking spaces, however, states there is adequate on-street parking along the frontage of the three parcels (fronting on three streets) to provide the additional parking spaces needed. States this parking configuration is preferable to blocking access along the alleys to the residential units.

Mr. German, applicant, states he thinks the Planning Department has done an excellent job on the project. States he believes it is in line with the mixed use nature of the area and for the downtown district specific plan. States he feels this will upgrade the area and bring in additional business. Mr. German discusses circulation and access for emergency access through the alley way. States he believes it could be better utilized by using it for a fire lane, or circulation for traffic. Describes aesthetics of the proposed building.

Mr. Frank Hirsch, neighbor, states he is not here to object about the project but does have issues regarding parking and locations for parking. States he believes it will be too dangerous and indicates where he feels the danger will exist on a parcel map. Refers to the letter he sent dated September 20, 2005. States he believes Front Street is very narrow and the commercial structures presently are very close to Front Street with its narrow sidewalk. States there is no parking on the side of the mini deli and feels the street can be dangerous due to lack of sufficient parking space. Indicates there is dirt parking available next to the railroad across the Ocean. Asks about lot #4. States he feels parcel #4 should be for dedicated parking. Mr. Hirsch also describes parcel 28, which is an alley way, and states at one time he was told it would be dedicated to his property since his lot is the key lot facing Ocean and 17th Streets. Addresses his concerns with trash and loitering on the property.

Mr. German states his agreement with the possibility of applying for an abandonment of lot #4. States he feels access should continue through the alley way. States he would be willing to work with Mr. Hirsch to pursue an abandonment application. States he believes once the project is completed, there will be less dumping of trash and loitering on the property.

Ms. Fuhs explains to Mr. Hirsch and Mr. German that they may apply for an abandonment application on lot #4 which would give both of them equal footage rights. Ms. Fuhs then advises Mr. Hirsch and Mr. German to seek assistance with Public Works if they wish to pursue an abandonment application.

Hearing Officer explains staff must follow requirements as listed in the Land Use Ordinance. Advises Mr. Hirsch that additional parking spaces are proposed as part of the new project in the staff report, totaling 29 spaces, to include 10 spaces for residential and 19 for commercial parking. States according to the Traffic Engineer's Manual, the number of trips proposed by this project was reviewed, and it was determined the small amount of traffic would not result in any significant change to the existing road service or traffic safety level.

Hearing Officer explains water drainage issues in relation to flooding and directs Mr. Hirsch to look at Condition #8 that addresses his concerns regarding drainage. States a drainage plan would have to be in place before final approval. It would be reviewed by Public Works, and any requirements would have to be instilled as part of the development of the project.

There is general discussion of Lot 28.

Thereafter, on motion of the hearing officer, the Negative Declaration is adopted, in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and the Minor Use Permit is approved based on Findings A through J in Exhibit A and Conditions in 1 through 18 in Exhibit B. (Document No. 2005-164)

6. This being the time for hearing to consider a proposal by **RICHARD RUSS** to reconsider the conditions of approval of Minor Use Permit D010057P to allow two additional gas pumps with a 14-foot lighted canopy to an existing convenience store with two gas pumps. The reconsideration focuses primarily on road improvement requirements. The proposed project is within the Commercial Retail land use category and is located on the southwest corner of Halcyon Road and Highway One (Mesa View Drive) in Palo Mesa Village, in the South County (Inland) planning area. Also to be considered at the hearing will be adoption of an addendum completed May 16, 2003 for a previously adopted Mitigated Negative Declaration prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. **County File No: ~~DRC2004-00240~~ DRC2005-00057**. Assessor Parcel Number: 075,162,060. Supervisorial District 4. Date Accepted: June 10, 2005. Stephanie Fuhs, Project Manager.

MINUTES:

Hearing Officer: John Nall

Thereafter, on motion of the hearing officer, the Negative Declaration is adopted, in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and the Minor Use Permit is approved, based on Findings A through F in Exhibit A and Conditions 1 through 21 in Exhibit B. (Document No. 2005-165)

7. This being the time for hearing to consider a request by **PAUL BAILEY** for a Lot Line Adjustment to adjust the lot lines between two parcels of 39.26 and 78.51 acres. The adjustment of the lot line will result in an equal exchange of .82 acres. The proposed project is within the Rural Lands land use category and is located at 9275 Horseshoe Canyon Road in Creston, about 8 miles east of Santa Margarita, in the Las Pilitas planning area. This project is exempt under CEQA. **County File No: SUB2004-00376/COAL05-0047**. Assessor Parcel Numbers: 070-175-004 & 009. Supervisorial District: 5. Date Accepted: 06/28/05. Holly Phipps, Project Manager.

MINUTES:

Hearing Officer: John Nall

Others: Paul Bailey, applicant.

Paul Bailey, applicant, states he has read the staff report and is in agreement with it. He is pleased with staffs' recommendation for approval. Mr. Bailey requests clarification of the date in Condition #9, Exhibit B. Hearing officer explains the appeal period requirement in relation to the time frame. He asks for further direction to finalize his Lot Line Adjustment. Asks about surveying of his property to ensure everything will be in proper order for future transfer.

Stephanie Fuhs, staff, explains the choices between obtaining a Parcel Map or a Certificate of Compliance and advises these are obtained through the Public Works Department. States the Parcel Map would have surveyed boundaries and would be an actual map, whereas the Certificate of Compliance would be more of a legal description. Explains the differences between options in relation to survey points.

Hearing Officer explains appeal timing and process.

Thereafter, on motion of the hearing officer, the Lot Line Adjustment is approved based on Findings A through D in Exhibit A and subject to Conditions 1 through 10 in Exhibit B. (Document No. 2005-166)

8. This being the time for hearing to consider a request by **CARMEN AND ISAAC LEYVA** for a Lot Line Adjustment to adjust the lot lines between 2 parcels of 31.37 and 837.29 acres each. The adjustment will result in 2 parcels of 31.37 and 837.29 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located at 3770 Santa Domingo Road approximately 3 miles northeast of the community of Arroyo Grande in the Huasna Lopez planning area. This project is exempt under CEQA. **County File No: SUB2004-00201/COAL04-0631**. Assessor Parcel Numbers: 048-171-010 and 047-031-003. Supervisorial District 4. Date Accepted: September 27, 2005. Josh LeBombard, Project Manager.

MINUTES:

Hearing Officer: John Nall

Others: Carmen Leyva, applicant.

Josh LeBombard, staff, presents project. States staff recommends approval of this Lot Line Adjustment.

Carmen Leyva, applicant, states she has no questions and would like approval of the Lot Line Adjustment.

Thereafter, on motion of the hearing officer, the Lot Line Adjustment is approved based on Findings A through D in Exhibit A and subject to Conditions 1 through 9 in Exhibit B. (Document No. 2005-167)

9. This being the time for hearing to consider a request by **JOSEPH SULSE** for a Lot Line Adjustment to adjust the lot lines between two parcels of 98.00 and 117.99 acres each. The adjustment will result in two parcels of 90.56 and 125.43 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located at 6191 Calle Las Colinas (also known as Cressey Street) approximately 1.75 miles west of the town of Creston, in the El Pomar-Estrella planning area. This project is exempt under CEQA. **County File No: SUB2004-00282/COAL05-0050**. Assessor Parcel Numbers: 043-051-038; 043-041-037. Supervisorial District: 5. Date Accepted: March 19, 2005. Nick Forester, Project Planner.

MINUTES:

Hearing Officer: John Nall

Hearing officer states no one is present for this hearing item.

Therefore, on motion of the hearing officer, the Lot Line Adjustment is approved based on Findings A through D in Exhibit A and subject to Conditions 1 through 9 in Exhibit B.
(Document No. 2005-168)

Thereafter, on motion of the hearing officer,

Respectfully Submitted
Mary Velarde, Secretary
Planning Department Hearings